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MICHAEL C. TRAHOS, D.O.  
GENERAL MEDICINE/FAMILY MEDICINE

DEC 31 1991

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of the Part 97 of the )  
Commission's Rules Governing the )  
Amateur Radio Service to Authorize )  
Novice Class Operator Licensees )  
Repeater and Repeater Control )  
Operator Privileges )

RM- 7888

PETITION FOR RULE MAKING

Submitted by:

Dr. Michael C. Trahos, D.O., NCE, CET (KB4PGC)  
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I.

INTRODUCTION

1. Dr. Michael C. Trahos, D.O., NCE, CET (Petitioner), pursuant to Section 1.401 of the Federal Communications Commission's (Commission) Rules, hereby requests prompt issuance of a Rule Making (RM) number to this Petition for Rule Making, with a subsequent issuance of a Notice of Proposed Rule Making (NPRM), to amend 47 CFR 97.205 to authorize Novice Class licensees repeater and repeater control operator privileges.

II. PETITIONER QUALIFICATIONS

2. Petitioner is a licensed and actively practicing General Medicine/Family Medicine Physician and Surgeon. Petitioner holds the academic faculty appointments of Clinical Professor of Medicine from Ross University School of Medicine and Clinical Instructor, Department of Community and Family Medicine, Georgetown University School of Medicine. Petitioner was selected and currently serves as the "Medical Profession" Representative on the Technical Committee and Chairman - Legislative/Regulatory Affairs Committee of the National Public Safety Planning Advisory Committee's (NPSPAC) Region-20 Public Safety Review Committee 1/ for the implementation of a Public Safety National Plan for the use of the 821-824/866-869 MHz bands by the Public Safety Services pursuant to the Report and Order in General Docket 87-112.

3. Petitioner is also a certified First Class Telecommunications Engineer, certified by the National Association of Radio and Telecommunications Engineers (NARTE), and possessor of a First Class Certificate of Competency, issued by the Association of Public-Safety Communications Officers (APCO). Petitioner has over fifteen years experience in the telecommunications field with many of these years spent actively participating in Commission proceedings.

4. Petitioner is licensed in the Amateur Radio Service (ARS), the Business Radio Service (BRS), the General Mobile Radio Service (GMRS) and Special Emergency Radio Service (SERS). It is with having dealt extensively in the above radio services for personal, business, medical and emergency/public assistance that this Petitioner respectfully submits this Petition for Rule Making.

III.

EXECUTIVE SUMMARY

5. The Report and Order to PR Docket 86-161 expanded Novice Class operator voice privileges on the 10, 1.25 and 0.23 meter bands. However, the expanded privileges at 222 MHz excluded the use of repeater output frequencies.2/

6. On November 12, 1991, the American Radio Relay League (the League) submitted a Petition for Rule Making to expand Novice Class operator privileges to the entire 222-225 MHz band. On November 15, 1991, the Private Radio Bureau sent the League's petition to the Office of the Secretary. On November 27, 1991 it was assigned rule making number RM-7868 and released for public comment.

7. The League's petition attempts to correct the spectrum inefficient policies adopted for the 222 MHz band in PR Docket 86-161.3/ But the League's petition preserves the prohibition of Novices from being repeater licensees and control operators for no apparent good cause.

8. For the reasons set forth below, Petitioner requests the Commission to amend 47 CFR 97.205 and authorize Novice Class operator licensees repeater and repeater control operator privileges, subject to the privileges of the Novice Class of operator license held.

IV. NOVICE CLASS LICENSEES ARE QUALIFIED TO BE REPEATER LICENSEES,  
CONTROL OPERATORS AND TRUSTEES IN OTHER RADIO SERVICES

9. In the 47 CFR Part 90 Private Land Mobile Radio Services (PLMRS) and 47 CFR Part 95 Subpart A General Mobile Radio Service (GMRS), mobile relay/repeater stations are authorized. Though an at least 18 years of age restriction exists for the GMRS 4/, in the PLMRS there exists no minimum age requirement for a person to be a station licensee/control operator.5/

10. Station licensees in the PLMRS and GMRS are not required to take a written technical examination, such as a written commercial operator examination 6/ or Amateur Radio examination element 2 and/or 3(a), to be control operators and trustees of repeaters. Furthermore, no operator license or permit is required for the maintenance and repair of PLMRS 7/ or GMRS 8/ stations.9/

11. Repeater operation requirements in the PLMRS and GMRS are also more stringent than in Amateur Radio. Simple comparison of the technical requirements of Amateur Radio 10/ with those of the PLMRS 11/ and GMRS 12/ clearly reveals that being a repeater licensee/control operator/trustee under Parts 90 and/or 95 requires as much, if not more, technical knowledge as in Part 97.

12. It should be of no surprise to all Amateurs to learn that Novices are currently eligible and are repeater licensees/control operators/trustees in the PLMRS and GMRS. Therefore to further prohibit Novices from being repeater licensees/control operators/trustees on the basis that they are technically unskilled and unqualified is purely subjective rhetoric without objective fact.



V. NOVICE REPEATERS SHOULD ONLY UTILIZE COMMERCIALY  
MANUFACTURED TRANSMITTERS

13. In the PLMRS and GMRS, repeaters must be Commission type-accepted. In Amateur Radio, home-built non-type-accepted equipment may be used.

14. Novices are more than capable of constructing their own transmitters and receivers. However, the technical expertise Novices have acquired in PLMRS/GMRS repeater operations, maintenance and repair has been with commercially manufactured transmitters.

15. Petitioner requests that Novices be restricted to using commercially manufactured repeater transmitters. By so doing, and pursuant to paragraph 14 supra, Novice operation, maintenance and repair of commercially manufactured amateur repeater equipment would be straight forward and simple and in full compliance with the Amateur Radio technical rules of 47 CFR Part 97, Subpart D. It would also serve as an incentive, for Novices who wish to construct their own home-made repeaters, to upgrade their license.

VI. TRANSMITTER POWER STANDARDS FOR NOVICE REPEATERS SHOULD REMAIN RESTRICTED AND THE SAME AS THOSE FOR CURRENT NON-REPEATER NOVICE STATIONS

16. Pursuant to 47 CFR 97.313(d) and (e), no Novice station may transmit in the 1.25 and 0.23 meter bands with transmitter power in excess of 25 and 5 watts PEP respectively. The transmitter power of Novice repeater stations should also remain restricted and the same as non-repeater Novice stations.

17. Petitioner concurs, in part, with the Commission's view that restricting Novice transmitter power is appropriate as "a further incentive to upgrade the class of license"<sup>13/</sup> and for biological safety concerns.<sup>14/</sup> Any further restriction in Novice repeater transmitter powers less than those pursuant to 47 CFR 97.313 is strongly opposed by this Petitioner.

VII.

CONCLUSION

18. Novice class licensees are qualified to be repeater licensees/control operators/trustees. As noted in paragraphs 9 through 12 supra, Novices are eligible and are repeater operators in other radio services with stricter technical requirements than in Amateur Radio.

19. Any amateur station operating as a repeater for which the licensee or control operator is the holder of a Novice Class operator license should be restricted to using only commercially manufactured transmitter equipment. A rule incorporating this requirement will insure ease of operation, maintenance and repair of the repeater and compliance with the Amateur Radio technical rules of 47 CFR Part 97, Subpart D.

20. As an incentive to upgrade and for biological safety concerns, Novice repeater transmit powers should be restricted. They should be the same as those for non-repeater Novice stations pursuant to 47 CFR 97.313.

21. Lastly, since this Petition closely parallels the League's petition RM-7868, it is recommended that after issuance of a rule making number and release for public comment, the Commission should consider combining this Petition and RM-7868 into a single Notice of Proposed Rule Making.

-10-

22. Commission adoption of this Petition for Rule Making is in the public interest.

Respectfully submitted,

  
Dr. Michael C. Trahos, D.O., NCE, CET

MCT/mct

VIII.

FOOTNOTES

- 1/ ORDER, General Docket 90-7, DA 90-507, in general.
- 2/ REPORT AND ORDER, PR Docket 86-161, FCC 87-36, Paragraph 13.
- 3/ COMMENTS, RM-7868, Dr. Michael C. Trahos, December 27, 1991.
- 4/ See 47 CFR 95.5.
- 5/ See 47 CFR 90.35(a)(6), 90.37(a), 90.39(a), 90.43(a), 90.45(a), 90.61, 90.63(a), 90.65(a), 90.67(a), 90.69(a), 90.71(a), 90.73(a), 90.75(a)(1), 90.79(a), 90.87, 90.89(a), 90.93(a), 90.95(a) and 90.103(a)(1).
- 6/ See 47 CFR Part 13.
- 7/ See 47 CFR 90.433(a)
- 8/ See 47 CFR Part 95, Subpart A
- 9/ REPORT AND ORDER, General Docket No. 83-322, 49 Fed. Reg. 20658
- 10/ See 47 CFR Part 97, Subpart D
- 11/ See 47 CFR Part 90, Subpart I
- 12/ See 47 CFR Part 95, Subpart E
- 13/ REPORT AND ORDER, PR Docket No. 86-161, FCC 87-36, Paragraph 17.
- 14/ Ibid., Paragraph 14.

IX.

APPENDIX

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

**Part 97 Amateur Radio Service**

1. Section 97.205 is amended by changing paragraph (a), relettering paragraphs (c), (d), (e) and (f) to (d), (e), (f) and (g) respectively, and adding a new paragraph (c) as follows:

**§ 97.205 Repeater Station.**

(a) Any amateur station licensed to a holder of any class operator license may be a repeater. A holder of any class operator license may be the control operator of a repeater, subject to the privileges of the class of operator license held.

(b) Unchanged

(c) Any amateur station operating as a repeater for which the licensee or control operator in the holder of a Novice Class operator license shall only use commercially manufactured transmitter equipment.

(d) Formerly (c)

(e) Formerly (d)

(f) Formerly (e)

(g) Formerly (f)